

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH HAWKINS,

Petitioner,

v.

KELLY SANTORO,

Respondent.

No. 2:23-CV-0641-DJC-DMC-P

ORDER

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254.

On July 12, 2024, the Court stayed this action pending exhaustion of claims in state court and directed Petitioner to file a status report within 60 days of the date of the Court's order and every 60 days thereafter. See ECF No. 19. Petitioner has been warned that failure to comply could result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 110. Petitioner filed a status report on September 19, 2024. See ECF No. 20. As of December 12, 2024, Petitioner had not filed a status report and the Court issued findings and recommendations that this action be dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders. See ECF No. 21. The following day, on December 13, 2024, Plaintiff filed a motion to lift the stay upon completion of exhaustion proceedings in state court. See ECF No. 22. Good cause appearing therefor, the

1 Court will vacate the December 12, 2024, findings and recommendations and set a deadline for
2 Respondent's response to Petitioner's motion to lift the stay.

3 Accordingly, IT IS HEREBY ORDERED as follows:

4 1. The findings and recommendations issued on December 12, 2024, are
5 vacated.

6 2. Respondent's response to Petitioner's motion to lift the stay is due within
7 30 days of the date of this order.

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9 Dated: January 27, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

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